

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>SHERI L. LYDIC and TIMOTHY WILEY,</b>	:	<b>CIVIL ACTION NO. 1:05-CV-0904</b>
	:	
<b>Plaintiffs</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>ROBERT ROTZ, et al.,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 4th day of April, 2006, upon consideration the motion for judgment on the pleadings (Doc. 30), filed by defendant Robert Rotz (“Rotz”), and the order of court dated March 13, 2006 (Doc. 44), directing plaintiffs to show cause, on or before March 27, 2006,<sup>1</sup> why the availability of remedies under Title VII does not preclude plaintiffs’ First Amendment Bivens<sup>2</sup> claims against Rotz, see, e.g., Corr. Servs. Corp. v. Malesko, 534 U.S. 61, 68-70 (2001); Schweiker v. Chilicky, 487 U.S. 412, 421-23 (1988); Bush v. Lucas, 462 U.S. 367, 368 (1983), and dismissing all claims against defendants L-3 Communications Vertex Aerospace, J. Irl Haulman, Jan Atkinson, and Linda Mandel, but granting plaintiffs leave to amend the complaint on or before March 27, 2006,<sup>3</sup> and it appearing that, as of the date of this order, plaintiffs have not filed an amended complaint nor shown cause why the

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<sup>1</sup> The court granted plaintiffs’ motion for an enlargement of time until March 31, 2006.

<sup>2</sup> Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).

<sup>3</sup> See supra note 1.

availability of remedies under Title VII does not preclude their First Amendment

Bivens claims against Rotz, it is hereby ORDERED that:

1. The motion for judgment on the pleadings (Doc. 30) is GRANTED.
2. The Clerk of Court is directed to enter JUDGMENT in favor of defendant Robert Rotz and against plaintiffs on the First Amendment Bivens claims.
3. The Clerk of Court is directed to CLOSE this case.

/s/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge